Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JUKKA SIROLA and ONNI BERRY

Appeal No. 2002-1139
Application No. 09/236,960

ON BRIEF

Before KRASS, FLEMING and BLANKENSHIP, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-14, all of the pending claims.

The invention pertains to a portable electronic device with a hinged body portion. A display, visible in both open and closed positions of the hinged body portion, displays information in two different, perpendicular orientations, the orientation being dependent

on whether the hinged body portion is in the open or closed position. Moreover, the device has three sets of data input keys, one on a surface portion of the body portion of the device, one on an inner surface of the hinged portion, and one on an outer surface of the hinged portion. When the hinged portion is in the open position, the first and second sets of data input keys form a QWERTY keyboard.

Representative independent claim 1 is reproduced as follows:

1. Electronic apparatus comprising:

a body portion;

a lid hingeably coupled to the body portion and moveable about a hinged joint between open and closed positions in which a surface portion of the body portion is respectively uncovered and covered by the lid;

a first plurality of data input keys on said surface portion of the body portion;

a second plurality of data input keys on an inner surface of the lid;

a third plurality of data input keys on an outer surface of the lid;

an electronic display on a surface of the body portion, the display being visible to a user when the lid is in said open and closed positions; and

display control means for displaying information on the display with a first orientation when the lid is in the open position and with a second orientation, substantially at right angles to said first orientation, when the lid is in the closed position.

The examiner relies on the following references:

Uchikura	5,337,346	Apr. 09, 1994
Tsugane et al. (Tsugane)	5,657,370	Aug. 12, 1997
Jambhekar et al. (Jambhekar)	5,742,894	Apr. 21, 1998
Mäkelä et al. (Mäkelä)	6,047,196	Apr. 04, 2000 (filed May 29, 1996)

Claims 1-14 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner offers Jambhekar as the primary reference and combines this primary reference with Uchikura with regard to claims 1-6 and 10, with Mäkelä with regard to claims 7, 8 and 11-14 and with Tsugane with regard to claim 9.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

OPINION

Jambhekar clearly discloses an electronic apparatus having a body portion and a lid hingeably coupled to the body portion and movable between an open and closed position. It also shows a plurality of data input keys on the outer surface of the lid [see Figure 2]. Moreover, Jambhekar discloses an electronic display, visible in both the open and closed positions of the lid and a display control means for displaying information on the display with a first orientation when the lid is open and with a second orientation, at right angles to the first orientation, when the lid is in the closed position [see the “landscape” and “portrait” modes discussed at column 4, lines 29-36].

The examiner contends that Jambhekar does not disclose a QWERTY keyboard on the inner surface of the lid and on the surface portion of the main body which is covered by the lid when in the closed position.[1] The examiner relies on Uchikura for the teaching of a telephone keypad mounted on the upper surface of a lid that is hinged to a main body portion, wherein alphanumeric keys are provided on the other side of the lid and on the part of the main body portion covered by the lid when the lid is in the closed position.

The examiner concludes that it would have been obvious to use the teaching of Uchikura in the communications device of Jambhekar "because it would be much more convenient to type in messages or notes with the alphanumeric keyboard, rather than to use a telephone type keypad with limited number of buttons" [answer-page 4].

We will sustain the rejection of claims 1-6 and 10 under 35 U.S.C. § 103 because, in our view, the combination of the applied references provides the requisite prima facie case of obviousness with regard to the instant claimed subject matter.

Independent claims 1 and 10 require three pluralities of data input keys, a first on the surface portion of the body portion, a second on an inner surface of the lid, and a third on an outer surface of the lid. Clearly, Jambhekar has no plurality of data input keys on an inner surface of the lid. The extensions of the keys of keypad 125 through

[1] We note that claim 1 does not require the QWERTY keyboard.

the lid and shown in Figure 3 are not keys at all. So, while Jambhekar might be considered to have, at best, a first plurality of keys on the surface portion of the body portion (if the touch screen shown in Figure 3 is considered to be such a plurality of data input keys), and a third plurality of data input keys on an outer surface of the lid (keyboard 125), Jambhekar can be considered, in no way, to show the claimed second plurality of data input keys on an inner surface of the lid.

Uchikura clearly discloses a first (5), second (4) and third (3) plurality of data input keys in an electronic apparatus, as claimed. Uchikura also discloses a display which is visible to the user when the lid 2 is in an open and closed position. In fact, with regard to claims 1 and 10, the only claimed element not taught by Uchikura is the display control means for displaying information on the display with a first orientation when the lid is in the open position and with a second orientation at right angles to the first orientation, when the lid is in the closed position. This feature is clearly taught by Jambhekar.

Thus, the issue is whether it would have been obvious to combine the teachings of Jambhekar and Uchikura in such a manner as to arrive at the instant claimed subject matter. The examiner contends that it would have been obvious to modify Jambhekar's device with the teachings of Uchikura in order to make it more convenient to type messages using an alphanumeric keyboard rather than a telephone keyboard.

It may have been more appropriate to consider whether it would have been obvious to modify Uchikura, which already has the three sets of data input keys claimed, in order to provide for the two orthogonal display orientations taught by Jambhekar. It is appellants' position that it would not have been obvious to do so because Uchikura does not need to change the orientation of the display since the lid opens in such a way that the display is easily seen when using the keyboards in a lid-open or a lid-closed position. While appellants make a good point regarding no need in Uchikura to have the same display present data in two orthogonal directions, this fails to take into account the totality of the teachings of these applied references.

At column 5, lines 7-10, of Jambhekar, it is noted that while this reference discloses a flip-down lid (e.g., as in Figure 3), other "equally sufficient embodiments of a moveable housing element 109 may be substituted therefor. These other embodiments include: a clam shell type housing element, a swivel type housing element and a sliding type housing element." The disclosure of a "swivel type housing element," as well as the flip-down preferred embodiment, would have led the artisan to understand that either type of lid may be used and that they are functional equivalents. Since Jambhekar discloses the use of either type and Uchikura discloses a swivel type, the artisan would have understood that either reference may use either type of lid. Of course, if a swivel type lid, of Uchikura's type, were used in Jambhekar, there would be

no need for a change in display orientation in Jambhekar. Similarly, if the flip-down type of lid were employed in Uchikura, then the artisan would have recognized that circuitry for controlling the orientation of the display in response to opening and closing the lid, as taught by Jambhekar, would be desirable in a Uchikura device with a flip-down lid because of the corresponding orientation of the display with respect to the alphanumeric keyboard formed by keyboards 4 and 5 of Uchikura.

Accordingly, it is our view that the artisan viewing the totality of the teachings of Jambhekar and Uchikura would have found the subject matter recited in instant independent claims 1 and 10 obvious, within the meaning of 35 U.S.C. § 103, and we will sustain the rejection of claims 1-6 and 10.

We decide otherwise with regard to the rejection of claims 7, 8 and 11-14 under 35 U.S.C. § 103 over Jambhekar in view of Mäkelä.

Because Mäkelä discloses two separate displays, display 9 in Figure 2 in the radiotelephone mode and display 12 in Figure 3 in the QWERTY keyboard mode, we find that the artisan would have had no reason at all to employ the display orientation circuitry of Jambhekar, for changing the orientation of a single display, in the device of Mäkelä. Similarly, although Mäkelä discloses a QWERTY keyboard, we find nothing that would have suggested the use of such a keyboard in Jambhekar, first, because the QWERTY keyboard of Mäkelä is a single keyboard on a single panel and, second,

because when the lid of Jambhekar is in the open position, there is no indication that an extended keyboard is used, let alone a QWERTY keyboard. There is no keyboard at all on the inside surface of Jambhekar's lid and the "keyboard" on the surface portion of the body portion is a touch screen. Thus, the inside surface of the lid and the surface portion of the body portion do not, together, form a QWERTY keyboard as required by instant claims 11 and 13. Moreover, with regard to claim 7, the combination of Jambhekar and Mäkelä, improper anyway because there would have been no reason to combine the single display orientation change circuitry of Jambhekar with the multiple displays of Mäkelä, still would not provide for the claimed invention because there is no evidence in Jambhekar that there is any "keyed in" data when the device is functioning with the lid in the open position. From Figure 5 of Jambhekar, it would appear that in the lid-open mode the information is written in with a stencil on the touch screen.

With regard to the rejection of claim 9 under 35 U.S.C. § 103, we find it a bit curious that the rejection relies on Jambhekar in view of Tsugane alone since claim 9 depends from claim 7 and the rejection of claim 7 relied, in part, on Mäkelä. In any event, we will not sustain the rejection of claim 9 under 35 U.S.C. § 103 because Tsugane is employed only for the teaching of a slidingly moveable lid (which is already suggested by Jambhekar at column 5, lines 7-11) and Tsugane does not provide for the deficiencies of Jambhekar noted supra with regard to claim 7.

We have sustained the rejection of claims 1-6 and 10 under 35 U.S.C. § 103 but we have not sustained the rejection of claims 7-9 and 11-14 under 35 U.S.C. § 103.

Accordingly, the examiner's decision is affirmed-in-part.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

ERROL A. KRASS Administrative Patent Judge	)
MICHAEL R. FLEMING Administrative Patent Judge	) BOARD OF PATENT) APPEALS) AND) INTERFERENCES
HOWARD B. BLANKENSHIP Administrative Patent Judge	)

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